

Hearing Date: August 29, 2013 at 10:00 a.m. (ET)

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*Counsel for the Debtors and
Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
-----)	

**DEBTORS' OMNIBUS REPLY IN SUPPORT OF DEBTORS' EIGHTEENTH,
NINETEENTH, TWENTIETH, AND TWENTY-FIRST OMNIBUS CLAIMS
OBJECTIONS TO BORROWER CLAIMS WITH INSUFFICIENT DOCUMENTATION**

Residential Capital, LLC and its affiliated debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”) hereby submit this omnibus reply (the “Reply”) to certain responses, objections, and oppositions (collectively, the “Responses”) interposed by those claimants (collectively, the “Claimants”), listed on Exhibit 1 annexed hereto, to the *Debtors’ Eighteenth Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)* [Docket No. 4154], *Debtors’ Nineteenth Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)* [Docket No. 4155], *Debtors’ Twentieth Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)* [Docket No. 4156], and *Debtors’ Twenty-First Omnibus Objection to Claims (Borrower Claims with Insufficient Documentation)* [Docket No. 4158] (collectively, the “Objections”), and in further support of the Objections. In support hereof, the Debtors respectfully state as follows:

PRELIMINARY STATEMENT

1. The Debtors have examined each of the Responses and the statements and exhibits submitted in support thereof. Exhibit 1 contains a summary of each Claimant’s Response, detailing the additional documentation and information provided in support of each claim¹ at issue.

2. If an objection refuting at least one of the claim’s essential allegations is asserted, the claimant has the burden to demonstrate the validity of the claim. See In re Oneida Ltd., 400 B.R. 384, 389 (Bankr. S.D.N.Y. 2009); In re Rockefeller Ctr. Props., 272 B.R. 524, 539 (Bankr. S.D.N.Y. 2000). The burden of persuasion is on the holder of a proof of claim to establish a valid claim against a debtor. Feinberg v. Bank of N.Y. (In re Feinberg), 442 B.R.

¹ Copies of the claims that are the subject of the Responses are attached hereto as Exhibit 2.

215, 220-22 (Bankr. S.D.N.Y. 2010). Each Claimant has failed to provide sufficient documentation in support of its claim or any other explanation as to why its claim represents a valid claim that should be allowed against the Debtors. Accordingly, the relief sought in the Objections should be granted with respect to the Claimants.

BACKGROUND

3. In connection with the claims reconciliation process, the Debtors identified certain claims filed by Borrowers² that either (i) fail to identify the amount of the claim and the basis for the claim or (ii) identify the claim amount but do not provide any explanation or attach any supporting documentation to substantiate the claim amount (together, the “Insufficient Documentation Claims”).

4. In May 2013, after consulting with SilvermanAcampora LLP, special borrowers’ counsel to the official committee of unsecured creditors (“Special Counsel”), the Debtors sent Request Letters to the Borrowers who filed the Insufficient Documentation Claims requesting additional documentation in support of such claims. The Request Letters state that the Claimant must respond within 30 days with an explanation that states the legal and factual reasons why the Claimant believes it is owed money or is entitled to other relief from the Debtors, and the Claimant must provide copies of any and all documentation that the Claimant believes supports the basis for its claim. The Request Letters further state that if the Claimant does not provide the requested explanation and supporting documentation within 30 days, the Debtors may file a formal objection to the Claimant’s claim, seeking to have the claim disallowed and permanently expunged.

² Capitalized terms not defined herein shall have the meanings ascribed to them in each Objection.

5. The Debtors did not receive any response to the Request Letters from the holders of the Insufficient Documentation Claims after the 30-day response deadline passed. Accordingly, on July 4, 2013, the Debtors filed the Objections to the Insufficient Documentation Claims.

6. After the Debtors filed the Objections, each of the Claimants submitted a Response, as summarized on Exhibit 1 annexed hereto.

REPLY

7. Bankruptcy Rule 3001(c)(1) instructs that:

[w]hen a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.

Fed. R. Bankr. P. 3001(c)(1).

8. If a claim fails to comply with the documentation requirements of Bankruptcy Rule 3001(c), it is not entitled to *prima facie* validity. See Ashford v. Consolidated Pioneer Mortg. (In re Consolidated Pioneer Mortg.), 178 B.R. 222, 226 (9th Cir. B.A.P. 1995), aff'd, 91 F.3d 151 (9th Cir. 1996); In re Minbatiwalla, 424 B.R. 104, 112 (Bankr. S.D.N.Y. 2010) (J. Glenn). Moreover, where creditors fail to provide adequate documentation supporting the validity of their claims consistent with Bankruptcy Rule 3001(c), courts in this Circuit have held that such claims can be disallowed. See Minbatiwalla, 424 B.R. at 119 (determining that “in certain circumstances, claims can be disallowed for failure to support the claim with sufficient evidence . . . because absent adequate documentation, the proof of claim is not sufficient for the objector to concede the validity of a claim.”); In re Porter, 374 B.R. 471, 480 (Bankr. D. Conn. 2007); see also Feinberg, 442 B.R. at 220-22 (applying Minbatiwalla to analysis).

9. Upon review of the Responses and in consultation with Special Counsel, the Debtors have determined that each of the Responses detailed in Exhibit 1 fails to provide sufficient documentation in support of its claim or any other explanation as to why its claim is valid. Accordingly, the Insufficient Documentation Claims to which the Responses apply should be disallowed and expunged.

CONCLUSION

10. WHEREFORE, the Debtors respectfully submit that the relief sought in the Objections should be granted.

Dated: August 27, 2013
New York, New York

/s/ Norman S. Rosenbaum
Gary S. Lee
Norman S. Rosenbaum
Jordan A. Wishnew
Jonathan M. Petts
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

*Counsel for the Debtors and
Debtors in Possession*

Exhibit 1

The Responses

CLAIMANT	RESPONSE	DOCKET NO.	COMMENTS
<i>Eighteenth Omnibus Claims Objection</i>			
Brian Edmond Bath	<i>Brian Edmond Bath's Response and Objection to Debtor's Motion to Disallow and Expunge for Failure to Show Supporting Documentation</i>	4467	<p>The stated basis for the proof of claim is “Mortgage Note.” The only supporting documentation is a page from the Claimant’s Experian Credit Report relating to a debt to GMAC Mortgage, LLC (“<u>GMACM</u>”).</p> <p>In the Response, the Claimant states that he filed the proof of claim as redress for a negative credit report from GMACM. The Response’s only supporting documentation is a letter from the claimant to Experian complaining about his GMACM credit report and a letter from the claimant to GMACM complaining about alleged violations of the Fair Credit Reporting Act and other statutes.</p> <p>Claimant’s letter does not establish a valid claim against the Debtors’ estates because the Claimant not only fails to substantiate how GMACM’s actions were improper but also how such actions were the cause for the purported damages, which are also not specifically quantified.</p>

CLAIMANT	RESPONSE	DOCKET NO.	COMMENTS
Ailette Cornelius	<i>Response to Correspondence Received Pertaining to Insufficient Documentation in Regards to Claim Filed filed by Ailette Cornelius</i>	4518	<p>The stated basis for the proof of claim is “I made an application; also I am a customer.” The proof of claim contains no supporting documentation.</p> <p>In the Response, the Claimant states “I had an arrangement with GMAC, and they forfeit I did not forfeit with them. I am therefore, claiming abandonment from GMAC.”</p> <p>The claimant’s allegations do not represent a valid claim and the claimant has failed to provide any supporting documentation.</p>
<i>Nineteenth Omnibus Claims Objection</i>			
Julian Ortiz & Frances Soto-Ortiz	<i>Objection to Debtors’ 19th Omnibus Objection to Claims</i>	4662	<p>The stated basis for the proof of claim is “late fees and interest not credited back to our account.” The proof of claim contains no supporting documentation.</p> <p>The Response simply states that the Claimants oppose the expungement of their claim, notes that the claim was timely filed, and no supporting documentation is provided.</p>

CLAIMANT	RESPONSE	DOCKET NO.	COMMENTS
Gary Harper & Julie Franklin-Harper	<i>Objection to the Debtors' Nineteenth Omnibus Objection to Claims</i>	4497	<p>The stated basis for the proof of claim is "Mortgage Note." No supporting documentation is provided.</p> <p>The Response states that the Claimants are owed funds held in escrow in connection with their Chapter 13 bankruptcy case. The Response attaches the Claimants' account statements from GMACM and Ocwen Loan Servicing.</p> <p>The Debtors' investigation has revealed that the Claimants are not entitled to any of the funds held in the escrow. Accordingly, the Claimants do not establish a valid claim against the Debtors' estates.</p>
<i>Twentieth Omnibus Claims Objection</i>			
Mark Ragonese	<i>Creditor Mark Ragonese' Response to Debtor's Twentieth Omnibus Objection to Claims</i>	4519	<p>The stated basis for the proof of claim is "Mortgage Note." No supporting documentation is provided.</p> <p>The Response states that the proof of claim seeks compensation for GMACM's improper denial of a loan modification to the Claimant. As supporting documentation, the Response attaches the Claimant's account statements from GMACM and the successor servicer Green Tree, who allegedly did provide the Claimant with a modification beginning in August 2013.</p> <p>The Debtors' investigation has revealed that the Claimant was denied modifications in 2009 because he did not satisfy the income requirements for a</p>

CLAIMANT	RESPONSE	DOCKET NO.	COMMENTS
			modification. Accordingly, the Claimant does not establish a valid claim against the Debtors' estates.
Leilani R. Sulit	<i>Response To Debtors' Twentieth Omnibus Objection to Claims</i>	4344	<p>The stated basis for the proof of claim is "Mortgage/Statement." The proof of claim's sole supporting documentation is a letter from GMACM to the Claimant dated September 18, 2012, regarding an interest rate change to her mortgage.</p> <p>The Response, filed by the Claimant's husband, attaches a copy of the mortgage note, which was originated by BankUnited FSB in 2006, a copy of GMACM's foreclosure complaint, dated February 1, 2010, and a HUD-1 statement. Mr. Sulit states that his signature (but not his wife's) was forged on the mortgage deed. This allegation does not support a valid claim against the Debtors' estates because Mr. Sulit is not a signatory to the mortgage note. Most significantly, the alleged forgery predates GMACM's servicing of the mortgage.</p>

CLAIMANT	RESPONSE	DOCKET NO.	COMMENTS
<i>Twenty-first Omnibus Claims Objection</i>			
Tom Franklin	<i>Objection to the Hearing on Twenty-First Omnibus Objection to Claims</i>	4282	<p>The stated basis for the proof of claim is “Loan Modification Refused.” No supporting documentation or further explanation is provided.</p> <p>The Response states that the Claimant is “owed money by the debtor,” has a “legitimate creditor claim,” and has “suffered extreme hardship,” such that disallowing the claim would be “unfair.” No supporting documentation is provided.</p>

Exhibit 2

The Disputed Claims

B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK			PROOF OF CLAIM
Name of Debtor and Case Number: Residential Capital, LLC, Case No. 12-12020			
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Brian Edmond Bath			<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____ <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ * Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Name and address where notices should be sent: Brian Edmond Bath 8547 East Arapahoe Road, J - 129 Greenwood Village CO 80112			
Telephone number: 303.517.1360 email: bbath2012@aol.com			
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____			
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			<div style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">OCT 10 2012</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">KURTZMAN CARSON CONSULTANTS</div>
2. Basis for Claim: <u>Mortgage Note</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: <div style="border-bottom: 1px solid black; text-align: center; width: 100px;">3948</div>	3a. Debtor may have scheduled account as: <u>a transferred claim</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): <u>100232301120004619</u> (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ <u>75,000</u> Annual Interest Rate <u>8.0</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ <u>75,000.00</u> Amount Unsecured: \$ _____			
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ <u>75,000.00</u> (See instruction #6)			
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)			
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:			
9. Signature: (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Brian Edmond Bath</u> Title: _____ (Signature) <u>Brian Bath</u> (Date) <u>10.3.12</u> Company: _____ Address and telephone number (if different from notice address above): _____ Telephone number: _____ Email: _____			
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment			

COURT USE ONLY



121202012101000000000030

Prepared for: **BRIAN BATH**
 Date: **September 11, 2012**
 Report number: **1808-3757-58**



Your accounts that may be considered negative (continued)

▶ The original amount of this account was \$73,400

GMAC MORTGAGE	Date opened	Type	Credit limit or original amount	Recent balance	Responsibility
PO BOX 4622	Jul 2004	Home Equity	\$75,000	Not reported	Individual
WATERLOO IA 50704	First reported	Terms	High balance		Status
Phone number	Oct 2007	Not reported			Transferred, closed. \$0 written off.
(800) 766 4622	Date of status	Monthly payment	\$75,000		Creditor's statement
Partial account number	Jan 2008	Not reported			"Account transferred to another lender."
739176....					This item was updated from our processing of your dispute in Jun 2012.

Address identification number

0464953644

Mortgage Identification Number

100232301120004619

Payment history

2008 2007

JAN DEC NOV OCT

CLS CLS IND CO

HOMEWARD RESIDENTIAL	Date opened	Type	Credit limit or original amount	Recent balance	Responsibility
PO BOX 631730	Jun 2006	Mortgage	Not reported	\$0 as of Sep 2008	Individual
IRVING TX 75063	First reported	Terms	High balance		Status
Phone number	Sep 2008	40 Years	Not reported		Foreclosed.
(877) 304 3100	Date of status	Monthly payment			This account is scheduled to continue on record until May 2013.
Partial account number	Sep 2008	Not reported			This item was updated from our processing of your dispute in Jun 2012.
647003222....					

Address identification number

0464953644

Payment history

2008

SEP

FF

0029429279



B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
Name of Debtor and Case Number: <u>G m A c</u>		
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>Ailette Cornelius</u>		<input type="checkbox"/> Check this box if this claim amends a previously filed claim.
Name and address where notices should be sent: <u>Ailette Cornelius</u> <u>26 Branford St</u> <u>Hartford Ct. 06112</u> <u>860 890 7823</u>		Court Claim Number: _____ (If known) Filed on: _____
Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Name and address where payment should be sent (if different from above): <u>26 Branford St</u> <u>Ailette Cornelius</u> <u>Hartford Ct 06112</u>		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.
Telephone number: <u>860 890 7823</u> email: <u>Andersonsize@gmail.com</u>		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)().
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		Amount entitled to priority: \$ _____
2. Basis for Claim: <u>I made an application also I am a contractor</u> (See instruction #2)		* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
3. Last four digits of any number by which creditor identifies debtor: <u>4368</u>	3a. Debtor may have scheduled account as: <u>Mortgage</u> (See instruction #3a)	
3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)		
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>Don't know</u> Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>850</u> Basis for perfection: _____ Amount of Secured Claim: \$ <u>620 P.m.</u> Amount Unsecured: \$ _____		
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ (See instruction #6)		
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)		
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
9. Signature: (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Ailette Cornelius</u> Title: <u>owner of gmac</u> <u>Ailette Cornelius</u> Company: _____ (Signature) _____ (Date) Address and telephone number (if different from notice address above): _____ Telephone number: _____ Email: _____		

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both



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RECEIVED
NOV 16 2012
KURTZMAN CARSON CONSULTANTS
COURT USE ONLY

B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK			PROOF OF CLAIM
Name of Debtor and Case Number: Residential Capital, LLC, Case No. 12-12020			
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Julian A. Ortiz & Frances Soto-Ortiz		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ <i>(If known)</i> Filed on: _____	
Name and address where notices should be sent: 10810 Linden Gate Dr Houston, TX 77075		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ * Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
Telephone number: 713-987-9838 email: jufrsasa@att.net			
Name and address where payment should be sent (if different from above): 10810 Linden Gate Dr Houston, TX 77075			
Telephone number: 713-987-9838 email: jufrsasa@att.net			
1. Amount of Claim as of Date Case Filed: \$ <u>1000.00</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: late fees and interest not credited back to our account (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: <u>1234</u>	3a. Debtor may have scheduled account as: <u>Alison Tearnen</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ <u>190K</u> Annual Interest Rate _____ % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ <u>1000.00</u> Amount Unsecured: \$ _____			
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ (See instruction #6)			
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)			
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:			
9. Signature: (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Julian & Frances Ortiz</u> Title: _____ Company: _____ Address and telephone number (if different from notice address above): _____ <div style="text-align: right; margin-top: 10px;"> (Signature) 10/17/12 (Date) </div>			
Telephone number: 712-987-9838		Email: jufrsasa@att.net	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 7



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B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM	
Name of Debtor and Case Number: Residential Capital, LLC, Case No. 12-12020			
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Gary@Julie Harper		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____	
Name and address where notices should be sent: 4609 S 38th Street Saint Louis Mo 63116			
Telephone number: (314)802-8230 email: gdg0111@yahoo.com		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	
Name and address where payment should be sent (if different from above): Telephone number: email:			
1. Amount of Claim as of Date Case Filed: \$ 3210 If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ * Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
2. Basis for Claim: mortgage note. (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: 8209	3a. Debtor may have scheduled account as: (See instruction #3a)		3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____			
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ 3210 (See instruction #6)			
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)			
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:			
9. Signature: (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: Gary@Julie Harper 10/13/2012 Title: _____ (Signature) (Date) Company: _____ Address and telephone number (if different from notice address above): SAME AS ABOVE Telephone number: Email:			


Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



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B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK			PROOF OF CLAIM
Name of Debtor and Case Number: Residential Capital, LLC, Case No. 12-12020			
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): JOINTLY ADMINISTERED			<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: MARK RAGONESE 1929 N PEPPER ST BURBANK, CA 91505 Telephone number: 978-884-9420 email: markragonese@hotmail.com			
Name and address where payment should be sent (if different from above): MARK RAGONESE 1929 N PEPPER ST. BURBANK, CA 91505 Telephone number: 978-884-9420 email: markragonese@hotmail.com			<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ * Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
1. Amount of Claim as of Date Case Filed: \$ 90000.00 If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: MORTGAGE NOTE (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: 7938	3a. Debtor may have scheduled account as: MARK RAGONESE (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ 500000 Annual Interest Rate 6.14 % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ 0 Amount of Secured Claim: \$ 90000.00 Basis for perfection: _____ Amount Unsecured: \$ 0			
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ (See instruction #6)			
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)			
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgment completed, and redacted copies of documents providing evic definition of "redacted". DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED I If the documents are not available, please explain:			
 121202012111300000000077			
9. Signature: (See instruction #9) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input checked="" type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: MARK RAGONESE Title: DEBTOR Company: _____ Address and telephone number (if different from notice address above): 978 884 9420 markragonese@hotmail.com Telephone number: 978 884 9420 Email: MARKRAGONESE@HOTMAIL.COM			

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NOV 13 2012

KURTZMAN CARSON CONSULTANTS
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B 10 Modified (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
Name of Debtor and Case Number: <u>RESIDENTIAL CAPITAL, LLC, et al, Case No. 12-12020 (MG)</u>		
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>GMAC MORTGAGE</u>		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____ <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ <small>* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
Name and address where notices should be sent: <u>GMAC MORTGAGE</u> <u>3451 HAMMOND AVE.</u> <u>P.O. BOX 780</u> <u>WATERLOO, IA 50704-0780</u>		
Telephone number: _____ email: _____		
Name and address where payment should be sent (if different from above): <u>LEILANI R. SULIT</u> <u>3415 N. ODELL AVE,</u> <u>CHICAGO, IL 60634</u>		
Telephone number: <u>773-836-9306</u> email: <u>lsulit@mail.com</u>		
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>MORTGAGE / STATEMENT</u> <small>(See instruction #2)</small>		
3. Last four digits of any number by which creditor identifies debtor: <u>6891</u>	3a. Debtor may have scheduled account as: _____ <small>(See instruction #3a)</small>	3b. Uniform Claim Identifier (optional): _____ <small>(See instruction #3b)</small>
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ <u>280,000</u> Annual Interest Rate <u>3.5</u> % <input type="checkbox"/> Fixed <input checked="" type="checkbox"/> Variable <small>(when case was filed)</small> Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>407,804.00</u> Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ <small>(See instruction #6)</small>		
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)		
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted") DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: <u>PROMISSORY NOTE NOT AVAILABLE AT THIS TIME</u>		
9. Signature: (See instruction #9) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input checked="" type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. <small>(Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.)</small> I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>LEILANI SULIT</u> Title: <u>MRS.</u> Company: <u>ABBEY ST. CLARE</u> <small>(Signature)</small> <u>10-14-2012</u> <small>(Date)</small> Address and telephone number (if different from notice address above): <u>3315 N. OAK PARK AVE, CHICAGO, IL 60634</u> Telephone number: <u>773-836-9306</u> Email: <u>lsulit@gmail.com</u>		

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



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OCT 18 2012

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GMAC Mortgage

3451 Hammond Ave
P.O. Box 780
Waterloo, IA 50704-0780

09/18/12

511881-006635

LEILANI I SULIT

3415 N ODELL AVE

CHICAGO IL 60634-0000

|||||

RE: Account Number 0359394337
Property Address 3415 NORTH ODELL AVE

CHICAGO IL 60634-0000

Dear LEILANI I SULIT

****IMPORTANT NOTICE REGARDING INTEREST RATE CHANGE****

The interest rate on your loan is scheduled to adjust on 10/01/12 and will be effective with the 11/01/12 payment.

Projected principal balance after 10/01/12 payment \$ 407804.46

Previous index value	0.14750%	New index value	0.15330%
Current interest rate	3.50000%	New interest rate	3.50000%
Current P&I payment \$	2090.76	Margin	3.29000%

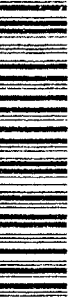
Rate Next Change Date	11/01/12
Principal and Interest Next Change	12/01/12

Your new interest rate is calculated by adding the margin to the new index value as defined in your loan documents. The result of this addition is subject to rounding and rate cap limitations according to the terms of your loan documents.

		New Principal and Interest payment
Minimum Required	\$	2090.76
Interest Only	\$	1189.42
Fully Amortizing	\$	2090.31
15 Year	\$	4372.90

*INTEREST ONLY and FULLY AMORTIZING amounts subject to change if any payment received after the date of this notice are other than MINIMUM REQUIRED payment amount.

The MINIMUM REQUIRED payment is the minimum monthly payment you must make as stipulated by your loan documents.



09/18/12

Account Number 0359394337

Page Two

The INTEREST ONLY payment is the minimum amount necessary to pay all accrued interest amounts due for the month. If this amount is less than the minimum required payment, you must still make the minimum required payment.

The FULLY AMORTIZING payment is the principal and interest (P&I) amount required to pay your loan in full over the remaining loan term based on the new interest rate stated above. If this amount is less than the minimum required payment, you must still make the minimum required payment.

When the minimum required payment is less than the interest only or fully amortizing payments, your loan may experience negative amortization. Negative amortization occurs when the monthly P&I payment is less than the full amount of interest for the month. Whenever this occurs, the difference between the two figures is added to the outstanding principal balance of your loan. Your interest for the next month is then accrued based on the higher unpaid balance.

Your unpaid principal balance can never exceed a maximum amount equal to 115.0000% of the principal amount originally borrowed. Should your unpaid principal balance reach the maximum amount, you will be required to begin paying the full payment amount.

If your payments are made through our automatic payment program, unless we are notified otherwise, your required payment amount will be deducted on your scheduled draft date. If you wish to have additional principal deducted at the same time, please contact us at the number below to assist you with this process.

IF YOU ARE IN DEFAULT AT THE TIME THIS NOTICE IS DELIVERED TO YOU, GMAC Mortgage, LLC WILL CONTINUE WITH THE DEFAULT PROCESS EVEN THOUGH THE INTEREST RATE AND PAYMENT AMOUNT ARE BEING ADJUSTED.

Notice Regarding Bankruptcy: If you have filed for bankruptcy and your case is still active and/or if you have received a discharge, please be advised that this notice is for informational purposes only and is not an attempt to collect a pre-petition or discharged debt. If you are currently in bankruptcy under Chapter 13, you should continue to make payments in accordance with your Chapter 13 Plan. If you have surrendered the property during your bankruptcy case, you may disregard this notice.

If you have any questions, please call 800-766-4622.

Customer Care
Loan Servicing
4015

3. WHEN AND WHERE TO FILE

Except as provided for herein, all proofs of claim must be filed so as to be actually received on or before November 9, 2012 at 5:00 p.m. (Prevailing Eastern Time), or solely as to governmental units on or before November 30, 2012 at 5:00 p.m. (Prevailing Eastern Time), at:

(i) If by mail or overnight courier:

ResCap Claims Processing Center, c/o KCC
PO Box 5004
Hawthorne, CA 90250

mailed 10-14-2012

(ii) if by hand delivery:

United States Bankruptcy Court for the Southern District of New York
One Bowling Green, Room 534
New York, New York 10004

or

ResCap Claims Processing Center, c/o KCC
2335 Alaska Ave
El Segundo, CA 90245

Proofs of claim will be deemed timely filed only if **actually received** at the ResCap Claims Processing Center or hand delivered to the U.S. Bankruptcy Court on or before 5:00 p.m. (Prevailing Eastern Time) on the applicable Bar Date. Proofs of claim **may not** be delivered by facsimile, or electronic mail.

4. WHO NEED NOT FILE A PROOF OF CLAIM

You do not need to file a proof of claim on or before the General Bar Date if you are:

- (a) Any person or entity that has **already** properly filed a proof of claim against the applicable Debtor or Debtors with the Clerk of the Bankruptcy Court for the Southern District of New York in a form substantially similar to the Proof of Claim Form;
- (b) Any person or entity whose claim is listed on the Debtors' schedules of assets and liabilities and/or schedules of executory contracts and unexpired leases (collectively, the "Schedules"), **provided that:** (i) the claim is **not** scheduled as "disputed," "contingent" or "unliquidated"; **and** (ii) the claimant agrees with the amount, nature and priority of the claim as set forth in the Schedules; **and** (iii) the claimant agrees that the claim is an obligation of the specific Debtor against which the claim is listed on the Schedules;

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK Claim #1195 Date Filed: 10/12/2012

Name of Debtor and Case Number: EPRE LLC, Case No. 12-12024

NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

TOM FRANKLIN

☐ Check this box if this claim amends a previously filed claim.

Name and address where notices should be sent:

TOM FRANKLIN
5633 OAK GROVE ROAD
FORT WORTH, TEXAS 76134

Court Claim

Number: _____

(If known)

Filed on: _____

Telephone number: 817-293-2960

email: FRENKLINART@AOL.COM

Name and address where payment should be sent (if different from above):

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

Telephone number: _____

email: _____

1. Amount of Claim as of Date Case Filed: \$ 134,000

If all or part of the claim is secured, complete item 4.

If all or part of the claim is entitled to priority, complete item 5.

☐ Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.

☐ Domestic support obligations under 11 U.S.C.

§507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4).☐ Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).☐ Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).☐ Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).☐ Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

Amount entitled to priority:

\$ _____

* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

2. Basis for Claim: LOAN MODIFICATION REFUSED
(See instruction #2)

3. Last four digits of any number by which creditor identifies debtor:

1234

3a. Debtor may have scheduled account as:

Alison Teamen

(See instruction #3a)

3b. Uniform Claim Identifier (optional):

(See instruction #3b)

4. Secured Claim (See instruction #4)

Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

Nature of property or right of setoff: ☒ Real Estate ☐ Motor Vehicle ☐ Other

Describe:

Value of Property: \$ 78,031 Annual Interest Rate _____ % ☐ Fixed ☐ Variable
(when case was filed)

Amount of arrearage and other charges, as of the time case was filed, included in secured claim,

if any: \$ _____ Basis for perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____ (See instruction #6)

7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

9. Signature: (See instruction #9) Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)☐ I am the trustee, or the debtor, or their authorized agent.
(See Bankruptcy Rule 3004.)☐ I am a guarantor, surety, indorser, or other codebtor.
(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: TOM FRANKLIN

Title: OWNER

Company: _____

(Signature)

(Date)

Address and telephone number (if different from notice address above):

Telephone number: _____

Email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18



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